

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Allegation of corruption against Sri Shaik Kalesha, Fisheries Development Officer, Padugupadu, Kovur Mandal, Nellore District – Trapped on 02.03.2009 – Sanction of Prosecution – Orders – Issued.

ANIMAL HUSBANDRY DAIRY DEVELOPMENT & FISHERIES (VS.2) DEPARTMENT

GO. Ms. No. 57

Dated: 08-09-2010

ORDER :-

1. Whereas, Sri Shaik Kalesha worked as Fisheries Development Officer, Padugupadu, Kovur Mandal, Nellore District from 2.3.1987 to 2.3.2009 and by virtue of the post held by him, he falls under the category of Public Servant as defined Under Section 2 (c) of the prevention of corruption Act, 1988. (Act 49 of 1988)
2. And whereas, Sri K.Nageswara Rao, S/o Srinivasulu, aged 37 years, R/o Ponnepudi Prasanthigiri Village, Vidavalur Mandal, Nellore District.
3. And whereas, it is alleged that Sri K.Nageswara Rao belongs to Fishermen Community, and is also the District Convener of Andhra Pradesh Sampradaya Matchyakarula Parirakshna Samithi and used to bring the problems of Fishermen Community to the notice of the concerned officials to get them solved. As the Government banned fishing at Krishnapatnam Port area in order to develop the said port on commercial lines, and Since the local fishermen got adversely affected, and they agitated on this matter. The Joint Collector had instructed the Mandal Revenue Officers to identify and send the particulars of all the fishermen who lost their livelihood due to the modernization of the port, in order to get financial assistance to the said affected fishermen from the Government. As instructed by the Mandal Revenue Officers, 10 displaced fishermen Sri Kondure Babu and eight others of Venkatanarayanapuram Village and Avula Babu of Kothur Village got their affidavits and other related papers ready and approached the concerned Village Revenue Officer. Sri Avula Krishnaiah, for his recommendation and forwarding these papers to higher authorities. But the Village Revenue Officer demanded bribe for doing his official work, later they complained against the Village Revenue Officer to Anti Corruption Bureau on 17.2.2009 and the Village Revenue Officer was caught red-handed on 18.2.2009 when he was accepting the bribe amount. Later the affidavits were recommended by the Tahasildar, Vidavalur mandal. Then, on behalf of fishermen, Sri K.Nageswara Rao met Sri Kalesha when the latter came to Chowkicharla Village on 25.2.2009 and requested Sri Shaik Kalesha to recommend the affidavits and other papers. Sri Shaik Kalesha told him to get a certificate from the then Port Officer of Krishnapatnam Port, certifying that the said ten persons did fishing at Krishna patnam Port area. Then on enquiry Sri K.Nageswara Rao, came to know that the then Port Officer of Krishnapatnam Port is presently working at Nizampatnam . Then, on 27.2.2009 morning Sri K.Nageshwara Rao contacted Sri Shaik Kalesha over phone and informed him of the matter. On that Sri Shaik Kalesha replied to him over phone that for going to Nizamapatnam and coming back he would incur an expenditure of around Rs.2000/-, and if Sri K.Nageswara Rao pays that amount to him he would forward the affidavits to the higher authorities with his recommendations. Sri K.Nageswara Rao was not interested in paying this bribe to Sri Shaik Kalesha.

4. And whereas, it is further alleged that as Sri K. Nageswara Rao, was not willing to pay bribe to Sri Shaik Kalesha, Fisheries Development Officer he lodged a report to the DSP, ACB, Nellore Range who in turn registered a case in Cr.No. 05/RCT-NLR/2009 after observing all legal formalities. on 02.03.2009 at 15.30 hours, the DSP., ACB, Nellore along with other Inspectors, his staff, two mediators , Sri K. Nageswar Rao and Sri K.Babu (accompanying witness) left the office of the DSP, ACB, Nellore at 19-20 hours and reached Atmakur bus stand at 19-30 hours. Sri K.Nageswar Rao after reaching petrol-bunk at Atmakur Bus stand center at 7.30 pm along with Sri Konduru Babu, contacted Sri Shaik Kalesha over phone as the latter was not found at petrol bunk initially. Sri Shaik Kalesha replies that he was taking 'Tiffin' and he would come within 10 or 15 minutes, and also enquired about whether anybody arrived along with Sri K.Nageswara Rao. On that he replied that one of the applicants was with him. Then, Sri Shaik Kalesha arrived to meet them at petrol bunk, and Sri K.Nageswara Rao, showed him the applications. On that Sri Shaik Kalesha asked Sri K.Nageswara Rao to take him to the office and he would sign on the papers in the office. Upon that he started his motorcycle, took Sri Shaik Kalesha as pillion rider and proceeded towards Sri Shaik Kalesha's office at Padugupadu. At about 19-45 hrs. the Inspector informed DSP that Sri Shaik Kalesha boarded the Motor Cycle of Sri K.Nageswar Rao and both of them were proceeding towards the office of Sri Shaik Kalesha at Padugupadu Village. Immediately, DSP along with trap party and Sri Konduru Babu left Atmakur bus-stand center and followed the Motorbike in which Sri K.Nageswara Rao and Sri Shaik Kalesha were proceeding. On the way, Sri Shaik Kalesha told Sri K.Nageswara Rao that first he would go to his house and keep his luggage and then he would come to office to sign on the papers. Accordingly, on Sri Shaik Kalesha instructions, Sri K.Nageswara Rao stopped the motorcycle on the side of the main road and both of them got down on the road. Then, Sri Shaik Kalesha enquired about the bribe amount as to whether it is with Sri K.Nageswara Rao or with the other person. On that Sri K.Nageswara Rao replied that the amount was with him only. Then , while both of them were proceeding in a bi-lane towards East of main road i.e., towards the house of Sri Shaik Kalesha, Sri Shaik Kalesha asked Sri K.Nageswara Rao to give the bribe amount. Then, Sri K.Nageswara Rao took out the tainted amount from his shirt pocket and handed it over to Sri Shaik Kalesha, Sri Shaik Kalesha took the same with his right hand and kept in his left shirt pocket, and asked Sri K.Nageswara Rao to wait on main road and he would return within a few minutes and would sign on the papers at the office. On that Sri K.Nageswara Rao returned to main road and gave signal to the trap party by wiping his face with hand-kerchief. At about 20-10 hrs when the signal was received from Sri K.Nageswara Rao, immediately the DSP, ACB along with the trap team went to the place where the motor cycle of Sri K.Nageswara Rao was parked. The trap party found Sri K.Nageswara Rao returning to the motorbike from a bi-lane. DSP instructed Sri K.Nageswara Rao to stay on the main road at his motorbike until he was called. The DSP noticed Sri Shaik Kalesha coming towards the main road and he was intercepted at a distance of about 100 feet from his house. The DSP, ACB., got prepared Sodium Carbonate Solution in two glass tumblers and subjected the right hand fingers of Sri Shaik Kalesha to the chemical test and the same yielded positive result. DSP asked Sri Shaik Kalesha about the bribe amount which he had received from Sri K.Nageswara Rao a few minutes back. On that Sri Shaik Kalesha voluntarily took out a wad of currency notes from his left shirt pocket, and on the instructions of DSP, the 2nd mediator received the amount from Sri Shaik Kalesha, compared the numbers on the currency notes with that of the numbers noted in the pre trap proceedings and it is found that the numbers tallied. The DSP seized

the tainted amount Rs.2,000/-. Then the inner linings of the left shirt pocket of Sri Shaik Kalesha in which the tainted amount was kept was subjected to sodium carbonate test, and it yielded positive result. The DSP seized the said shirt subjected to the above test from Sri Shaik Kalesha. Sri Shaik Kalesha was arrested by the DSP, ACB., Nellore after explaining the grounds of his arrest and proceedings were reduced into writing in the form of Mediator Report No.2. The DSP seized the Xerox copies of official favour document from Sri K.Nageswara Rao and original were returned to him as they were required for sending to higher officials.

5) And whereas, the acts of Shaik Kalesha, Fisheries Development Officer, Padugupadu, Kovur Mandal, Nellore District constitute offences punishable U/s 7 and 13(2) read with clause (d) of section (1) of section 13 of the prevention of corruption Act, 1988. (Act 49 of 1988)

6) And whereas, the Government of Andhra Pradesh being the competent authority to remove the said Shaik Kalesha, Fisheries Development Officer, Padugupadu, Kovur Mandal, Nellore District from the Government service, after fully and carefully examining the material (i.e., Final Report, Copy of the Fir, Copies of the Mahajars, Gist of the statement of the witnesses and other documents) placed before them in respect of the aforesaid allegations and having regard to the facts and circumstances of the case consider that the above said Shaik Kalesha, Fisheries Development Officer, Padugupadu, Kovur Mandal, Nellore District should be prosecuted in a court of law for the above said offences.

7) Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 19 of the prevention of corruption Act, 1988, the Government of Andhra Pradesh hereby accord sanction for the prosecution of the above said sri. Shiak Kalesha, Fisheries Development Officer, Padugupadu, Kovur Mandal, Nellore District for the above said offences punishable U/s 7 and sub section (2) of section 13 read with clause (d) of sub-section (1) of section 13 of the prevention of corruption Act, 1988 and for any other cognate offences punishable under any other provisions of law for the time being in force in respect of the aforesaid acts and for taking cognizance of the said offences by a court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Director General,
Anti-corruption Bureau,
Andhra Pradesh, Hyderabad.
Copy to Law (B) Department.

//FORWARDED BY ORDER//

SECTION OFFICER